

4. That Defendant Air Force operates, and at all times relevant to this matter did operate, Air Force bases throughout the United States of America and the world.

5. That among the Air Force bases operated by Defendant Air Force is the Ellsworth Air Force Base in Box Elder, South Dakota ("Ellsworth AFB").

6. That Plaintiff Kraft submitted a Claim for Damage, Injury or Death on December 29, 2017 to Defendant Air Force.

7. That Defendant Air Force has failed to make a final disposition of the Claim for Damage, Injury or Death within six months after it was filed (28 U.S.C. § 2675); therefore, jurisdiction is proper under 28 U.S.C. § 1346(b)(1).

GENERAL ALLEGATIONS

8. Plaintiff Kraft realleges and incorporates by reference hereto Paragraph 1 through 7 as though they were fully set forth herein.

9. That on or about October 18, 2016, Plaintiff Kraft was walking across a parking lot at Ellsworth AFB to his job at the Ellsworth AFB Supply Center when Defendant Air Force's security vehicle failed to yield and struck Plaintiff Kraft.

10. Upon being struck, Plaintiff Kraft fell to the ground, hitting his head on the pavement and injuring his left ankle and foot.

11. As a result of being struck by Defendant Air Force's security vehicle, Plaintiff Kraft was unable to walk and was therefore transported by Ellsworth AFB ambulance to Rapid City Regional Hospital.

12. That the driver of Defendant Air Force's security vehicle was negligent in at least the following respects:

- (a) failing to keep a proper lookout;

- (b) failing to yield to Plaintiff Kraft; and
- (c) striking Plaintiff Kraft with the vehicle.

13. That the driver of Defendant Air Force's security vehicle was an employee, agent, apparent agent, ostensible agent, and/or agent by estoppel of Defendant Air Force and acted in the course and scope of that relationship on behalf of Defendant Air Force. As such, Defendant Air Force, and therefore Defendant United States of America and Defendant Department of Defense, are vicariously liable for any negligence on the driver's part.

14. That Defendant Air Force and/or its other employees and/or agents were negligent in at least the following respects:

- (a) hiring the driver;
- (b) supervising the driver; and
- (c) retaining the driver.

15. That as a direct and proximate result of the negligence of Defendant Air Force and Defendant Air Force's security vehicle driver, Plaintiff Kraft sustained injuries; experienced pain and suffering and mental anguish and loss of enjoyment of life, and will continue to experience pain and suffering and mental anguish and loss of enjoyment of life in the future; has lost wages; and has incurred expenses for medical care, and will incur further expenses in the future.

16. As parent agencies and/or departments, Defendant United States of America and Defendant Department of Defense are liable for any negligence on the part of Defendant Air Force.

WHEREFORE, Plaintiff Kraft respectfully requests that this Court enter a judgment against the Defendants, jointly and severally, granting the following relief:

- (a) General and special damages in the amount of \$55,000.00;
- (b) Costs and disbursements, attorney's fees, and prejudgment interest; and
- (c) For such other and further relief as the Court may deem equitable and just under the circumstances.

Dated this 10th day of October, 2018.

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